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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA; STATES OF
 CALIFORNIA, COLORADO, CONNECTICUT,
 DELAWARE, FLORIDA, GEORGIA, HAWAII,
 ILLINOIS, INDIANA, IOWA, LOUISIANA,
 MICHIGAN, MINNESOTA, MONTANA,
 NEVADA, NEW JERSEY, NEW MEXICO, NEW
 YORK, NORTH CAROLINA, OKLAHOMA,
 RHODE ISLAND, TENNESSEE, TEXAS,
 VERMONT, AND WASHINGTON; THE
 COMMONWEALTHS OF MASSACHUSETTS
 AND VIRGINIA; AND THE DISTRICT OF
 COLUMBIA,

ex rel. ZACHARY SILBERSHER,

Plaintiffs,

v.

ALLERGAN, INC., ALLERGAN USA, INC.,
 ALLERGAN SALES, LLC, FOREST
 LABORATORIES HOLDINGS, LTD., ADAMAS
 PHARMA, AND ADAMAS
 PHARMACEUTICALS, INC.,

Defendants.

Case No.: 3:18-cv-03018-JCS

**JOINT CASE MANAGEMENT
 STATEMENT**

Chief Magistrate Judge Joseph C. Spero

Case Management Conference Date:
 September 16, 2022

Time: 2:00 P.M.

Place: Courtroom G, 15th Floor
 Phillip Burton Federal Building
 450 Golden Gate Avenue
 San Francisco, CA 94102

Action Filed: April 25, 2018

Pursuant to the Court’s July 8, 2022 Order, Dkt. 168, Plaintiff-Relator Zachary Silbersher (“Relator”), on behalf of the United States of America and the Plaintiff States; and Defendants Allergan, Inc., Allergan USA, Inc., and Allergan Sales, LLC, and Forest Laboratories Holdings, Ltd. (collectively, “Allergan”); and Adamas Pharma, LLC and Adamas Pharmaceuticals, Inc. (together, “Adamas”) (“Allergan” and “Adamas” together, “Defendants”) (Defendants with Relator, the “Parties”), jointly file this Case Management Statement.¹

The Parties refer the Court to the Joint Case Management Statement filed on January 8, 2021 (Dkt. 144), May 28, 2021 (Dkt. 155), September 24, 2021 (Dkt. 158), January 12, 2022 (Dkt. 161), and April 15, 2022 (Dkt. 166) and provide the following case updates pursuant to the Court’s Order dated July 8, 2022 (Dkt. 168).

1. Case Status Update:

On January 28, 2021, this Court certified its December 11, 2020 Order for immediate appeal, and stayed the case “pending the Ninth Circuit’s resolution of Defendants’ petition to permit an appeal and any appeal that the Ninth Circuit agrees to consider.” *See* Dkt. 147 at 6. On February 8, 2021, Defendants petitioned the United States Court of Appeals for the Ninth Circuit appealing the Court’s decision, and on March 9, 2021, the Ninth Circuit Court of Appeals accepted Defendants’ petition. March 9, 2021 Order, *Silbersher v. Allergan*, No. 21-15420 (9th Cir.) (Dkt. 149).

On August 25, 2022, the Ninth Circuit filed an opinion reversing and remanding this Court’s December 11, 2020 Order. (Dkt. 169) Relator intends to file a petition for rehearing and for rehearing *en banc*, which is due on October 11, 2022. (No. 21-15420, Dkt. Text dated Sept. 2, 2022) Accordingly, no mandate has yet issued, and the case remains stayed.

The Parties agree to provide the Court with an updated proposed schedule, if necessary, following the decision of the Ninth Circuit on Relator’s anticipated petition for rehearing.

¹ Allergan plc was originally named as a defendant but was dismissed pursuant to the stipulation of the Parties and Court order. *See* Dkt. 93.

1 Dated: September 8, 2022

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1 Dated: September 8, 2022

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ATTESTATION OF FILER

I, Nicomedes Sy Herrera, attest that I have obtained the concurrence of Defendants' counsel as to the substance of this **JOINT CASE MANAGEMENT STATEMENT**. Ms. Adendorff and Messrs. Partridge and Hoffman have authorized the use of their electronic signatures on this document.

Dated: September 8, 2022

By: /s/ Nicomedes Sy Herrera
Nicomedes Sy Herrera